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Jesse L. Pleet
Certified Civil Trial Specialist
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October 23, 2009

Certified Paralegals
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SENT BY FACSIMILE 267-299-5069
AND FIRST CLASS MAIL
Honorable Paul S. Diamond
U.S. District Court for the Eastern District of Pa.
6613 U.S. Courthouse
601 Market Street
Philadelphia, PA 19106

Re: Master Trial Exhibit List and Binders

Maximino M. Estrada, individually and as
Administrator of the Estate of Yolanda A. Carias-Santos
v. Home Depot USA, Inc., American Honda Motor Co., Inc.
and MTA Distributors, Inc.
Civil Action No. 08-4367
Our File No. 2886

FILED

OCT 26 2009

MICHAEL E. RUNZ, Clerk
By  Dep. Clerk

Dear Judge Diamond:

Yesterday afternoon we shipped nine 3-inch binders containing the trial exhibits referenced in the "Master Trial Exhibit List" in various pre-trial memoranda filed with the Court. Those documents are scheduled for delivery to your chambers today.

The parties have stipulated to the authenticity of the records. Issues regarding admissibility have been reserved for your rulings in due course. Some records are covered by various Motions *In Limine*. Otherwise it is expected that those records desired for admission at trial would be moved for admission by the appropriate party for your rulings during the course of trial.

Enclosed is an additional copy of the full exhibit list submitted with each binder. This should match the sequence of exhibits provided to the Court in the forthcoming binders. An index also accompanies the binders. As noted in the binders any non-record physical exhibits such as the Honda EB3000c generator, the carpet cleaner, the carpet cleaning solutions, and DVD's will be brought to Court for trial.

Honorable Paul S. Diamond
U.S. District Court for the Eastern District of Pa.

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If the Court requires any physical exhibit to be delivered in advance of trial we expect such matters would be addressed at the Final Pretrial Conference on November 12, 2009. Otherwise, all counsel would look for your directives in connection with delivery of those items after the Court has the opportunity to consider the various exhibits referenced.

Please notify my office if any records referenced in the enclosed list appear missing from the binders. A large number of exhibits were involved. All counsel look forward to addressing the matter of the exhibits and their management at trial among the issues to be addressed at the Final Pretrial Conference.

Respectfully yours,

LAW OFFICES OF JESSE L. PLEET, P.C.



Jesse L. Pleet
jpleet@pleetfirm.com

JLP:sld

Enclosure

cc: Kenneth M. Dubrow, Esquire (w/enc) (fax 215-972-7008)
Tiffany M. Alexander, Esquire (w/enc) (fax 610-964-1981)
Frederick T. Lachat, Jr., Esquire (w/enc) (fax 215-922-1772)

EXHIBITS - VOLUME 1

1. Plaintiff's Complaint;
2. MTA's Answer, defenses and crossclaims;
3. Home Depot's Answer to MTA's crossclaim;
4. Home Depot's Answer, defenses and crossclaims;
5. MTA's Answer to Home Depot's crossclaims;
6. MTA's Amended Answer and crossclaim;
7. Honda's Answer and defenses;
8. Muhlenberg Township Incident Report;
9. Muhlenberg Township Police Department Photographs;
10. Reading Eagle Newspaper Articles;
11. Berks County Coroner's Report;
12. Berks County Coroner's Photographs;
13. Central Fire Company Report;
14. Generator Tool Tips - 2000;
15. Generator Tool Tips - 2003;
16. Carpet Cleaner Tool Tips - 2000;
17. Weather Report Records;
18. Decedent's Reading Area Community College Records;
19. U-Haul Records;
20. Decedent's Cellular Telephone Records, dated December 24, 2007;
21. FamiliCare Counseling Center Records;

22. AZ Adjustment Report, dated June 24, 2009;
23. Photographs of the Home Depot Tool Rental Center, taken April 20, 2009;
24. Photographs of the Generator and Carpet Cleaner, taken June 20, 2008;
25. Photographs of the residence located at 1601 Frush Valley Road, Laureldale, Berks County, Pennsylvania, taken on June 24, 2008;
26. Drawing of the residence located at 1601 Frush Valley Road, Laureldale, Berks County, Pennsylvania, created by Thomas W. Clouse;
27. Home Depot's Building Plans and Specifications for store # 4110;
28. Home Depot's Tool Rental Center Building Permit for store # 4110;
29. Sunrise Table for December 24, 2007;
30. AT&T Cellular Telephone Records subpoenaed by Honda;

EXHIBITS - VOLUME 2

31. Decedent's Medical Records from Saint Joseph Medical Center;
32. Plaintiff's Family Photographs;
33. Real Estate Documents related to the purchase of the residence (Agreement of Sale and Disclosure Statement) located at 1601 Frush Valley Road, Laureldale, Berks County, Pennsylvania;
34. Decedent's Reading Area Community College Nurse Aide Training Program Records;
35. Decedent's Reading Area Community College Nurse Aide Training Program Certificate;
36. Decedent's Department of Health Nurse Aide Training and Competency Evaluation Program Certificate;
37. Certificate of Naturalization for Plaintiff, dated June 14, 2007;
38. Aqua Power Professional Carpet Cleaner 64 Fl. Oz. Container;
39. Aqua Power Professional Odor Remover 16 Fl. Oz. Container;
40. Plaintiff's and Decedent's Marriage Certificate, dated March 29, 2006;
41. Rental Agreement between Home Depot and Melgar, dated December 24, 2007;
42. Home Depot's Rental Invoice, dated 12/26/07;
43. Owner's Manual for Honda Generator EB3000c;
44. Consumer Product Safety Commission Epidemiologic Investigation Report, dated February 27, 2008;
45. Consumer Product Safety Commission Proposed New Warning Label for Portable Generators News Release, dated August 21, 2006;
46. Consumer Product Safety Commission Proposed Rules for Portable Generators, dated August 24, 2006;

47. Correspondence from Brown and Gidding, PC, on behalf of Honda, dated November 7, 2006;
48. Consumer Product Safety Commission Proposed Rules for Portable Generators, dated December 12, 2006;
49. Consumer Product Safety Commission New Danger Label Requirement for Portable Generators News Release, dated January 4, 2007;
50. Consumer Product Safety Commission Portable Generators; Final Rule; Labeling Requirements, dated January 12, 2007;
51. Correspondence to the Consumer Product Safety Commission, dated February 12, 2007;
52. 109th Congress, First Session, S.2084;
53. 110th Congress, First Session, S.1510;
54. 110th Congress, 2D Session, S.3660;
55. Home Depot Store # 4110 List of Employees' Training 2006-2007;
56. Krendel's Report dated June 30, 2009, with attachments;
57. Krendel's Curriculum Vitae;

EXHIBITS - VOLUME 3

58. Correspondence from Krendel to Plaintiff's counsel, dated August 10, 2009;
59. Penney's Report, dated June 30, 2009;
60. Penney's Carbon Monoxide Literature;
61. Penney's Curriculum Vitae;
62. Penney's Rebuttal Report, dated August 12, 2009;
63. Health History Questionnaire of Decedent completed by Plaintiff on or about December 13, 2008;
64. Carbon Monoxide Poisoning in Florida During the 2004 Hurricane Season (Penney's File);
65. The Cardiac Toxicity of Carbon Monoxide (Chapter 17), authored by Penney;
66. The Neural and Behavioral Effects of Carbon Monoxide (Chapter 7), authored by Penney;
67. DVD - Video Footage of the Property located at 1601 Frush Valley Road, Laureldale, Berks County, Pennsylvania;
68. You Tube Video "Daddy Fixes It;"
69. Weather Channel Video - Storm Preparation;
70. Sheesley's Report, dated June 24, 2009;
71. Sheesley's Rebuttal Report, dated August 7, 2009;
72. Sheesley's Curriculum Vitae;
73. Decedent's Taxpayer Identification Number Card;
74. Small's Report, undated;
75. Small's Curriculum Vitae;

76. Kibler's Report, dated March 2, 2009;
77. Kibler's Supplemental Report, dated April 22, 2009;
78. Kibler's Rebuttal Report, dated August 6, 2009;
79. Kibler's Curriculum Vitae;
80. Moyer's Report, dated November 11, 2008;
81. Moyer's Supplemental Report, dated June 26, 2009;
82. Moyer's Curriculum Vitae;
83. Documents from Register of Wills re: Estate of Yolanda A. Carias-Santos (Letters of Administration);
84. Order of Termination and Decree dated July 30, 2008 re: adoption of Lillibeth Zuliangie Carias by Melgar;
85. Owner's Manual for Carpet Cleaner (File 213A);
86. Plaintiff's answers to MTA's Interrogatories;
87. Plaintiff's Responses to MTA's Request for Production of Documents;
88. Plaintiff's Answers to Home Depot's Interrogatories;

EXHIBITS - VOLUME 4

89. Plaintiff's Responses to Home Depot's Request for Production of Documents;
90. Plaintiff's Answers to Honda's Interrogatories;
91. Plaintiff's Responses to Honda's Request for Production of Documents;
92. MTA's Answers to Plaintiff's Interrogatories; served 3/19/09;
93. MTA's Responses to Plaintiff's Request for Production of Documents (MTA 001-242);

EXHIBITS - VOLUME 5

94. MTA's Reply & Objections to Plaintiff's Supplemental Request for Production of Documents (MTA 243-734);
95. Home Depot's General Objections and Answers to Plaintiff's Interrogatories, served 3/5/09;
96. Home Depot's General Objections and Responses to Plaintiff's Request for Production of Documents;

EXHIBITS - VOLUME 6

97. Home Depot's First Supplemental General Objections and Answers to Plaintiff's Interrogatories, served 5/5/09;
98. Home Depot's General Objections and Answers to Honda's Interrogatories, served 3/30/09;
99. Honda's Objections and Responses to Home Depot's Interrogatories, dated February 3, 2009;
100. Honda's Objections and Responses to Home Depot's Request for Production of Documents, dated February 3, 2009;
101. Honda's Objections and Responses to MTA's Request for Production of Documents, dated February 3, 2009;
102. Honda's Objections and Responses to MTA's Interrogatories, dated February 3, 2009;
103. Honda's Objections and Responses to Plaintiff's Interrogatories, dated February 3, 2009;
104. Honda's Supplemental Response to Plaintiff's Interrogatories, dated May 29, 2009;
105. Correspondence from Honda's counsel to Plaintiff's counsel, dated July 9, 2009 regarding prior claims and legislative lobbying, with attachments (AHM 442 - 451);
106. Honda's Supplemental Responses (Bates Range AHM 00471- AHM 00575) served 7/22/09;
107. Correspondence from Honda's counsel to Plaintiff's counsel, dated June 18, 2009 regarding the prior claim of Susan Smith, et al.;
108. Plaintiff's Answers to Honda's Request for Production of Documents, with attachments;
109. Home Depot Tool Rental's Initial Certification for Tool Technician (Todd Beamesderfer, dated December 14, 2006);
110. Home Depot Tool Rental's Advanced Certification for Tool Technician

(Todd Beamesderfer, dated December 14, 2006);

111. Home Depot Tool Rental Initial Technician Training Guide (class # 4313);
112. Home Depot Tool Rental Advanced Technical Training Guide (class # 4314);
113. Home Depot Tool Rental - Ready for Rental Tickets;
114. Home Depot Generator Self-Paced Guide Tool Rental Product Knowledge (HDT - 1738 (01-2005));
115. Home Depot Rental Center Standard Operating Procedure (REN 02/10) - Creating a Contract;
116. Home Depot Associate's Safety Reference Guide;
117. Home Depot's Website Information;
118. Home Depot Tool Rental Website Information;
119. Home Depot Vendor Buying Agreement with MTA;
120. Home Depot Performance and Development Summary for Leo Geib (2005 & 2007);
121. Copy of warning labels affixed to subject generator;
122. Generator Label Effective May 14, 2007;
123. Honda Power Equipment Engines Distributor Sales Agreement with MTA (Harrington & Dunn);
124. Honda Power Equipment CBU Distributor Sales Agreement - Rental Dealer Network;
125. Honda Power Equipment CBU Distributor Sales Agreement - Retail Dealer Network;
126. Meeting Minutes on Consumer Product Safety Commission Carbon Monoxide Issue, dated June 29, 2006 (AHM 159 - 161);

EXHIBITS - VOLUME 7

127. Consumer Product Safety Commission ANPR Alternative Proposals (AHM 159 - 168);
128. Measures for Consumer Product Safety Commission Labels (AHM 169 - 171);
129. Consumer Product Safety Commission Labeling Issue Meeting of January 31, 2007 (AHM 172 - 175);
130. UL Comment Meeting Regarding Carbon Monoxide (AHM 176 - 177);
131. Comment Preparation Meeting (AHM 178 -182);
132. Portable Generators Technical Issues and Safety Implications meeting with Consumer Product Safety Commission, dated February 8, 2007 (AHM399-440);
133. Baden's Report, dated July 28, 2009;
134. Baden's Curriculum Vitae;
135. Dorris' Report, dated July 28, 2009;
136. Dorris' Curriculum Vitae;
136. Moore's Report, dated July 28, 2009;
138. Moore's Curriculum Vitae;
139. Pierce's Report, dated July 23, 2009;
140. Pierce's Curriculum Vitae;
141. Kursh's Report, dated July 24, 2009;
142. Kursh's Curriculum Vitae;
143. Invoice from sale of the generator from Honda to MTA;
144. Reports of repair history of the generator;
145. Photographs taken at an inspection of the generator on March 4, 2008;

146. Average Wattage Requirement Guide for Honda Engines;
147. Information from MTA Distributors Website;
148. MTA/Honda Power Equipment PowerPoint Presentation - 2;
149. MTA/Honda Power Equipment PowerPoint Presentation - 3;
150. MTA/Honda Power Equipment PowerPoint Presentation 2005;
151. MTA PowerPoint Presentation - Honda Teams Up with Home Depot;
152. MTA Distributors Introduction PowerPoint Presentation;
153. MTA/Home Depot Tool Rental PowerPoint Presentation;
154. MTA Certificate for Tool Rental Advanced Certification Knowledge (Carl Rumbalski, dated August 3, 2006);
155. MTA Tool Rental Advanced Certification Training Workbook (class # 1939);

EXHIBITS - VOLUME 8

156. MTA List of Training for Home Depot Tool Rental Personnel (MTA 735-736);
157. MTA Certificate for Tool Rental Advanced Certification Knowledge (Todd Beamesderfer, dated December 6, 2006);
158. MTA Certificate for Tool Rental Advanced Certification Knowledge (James J. Smith, dated January 28, 2008);
159. MTA Power Equipment Brochure (MTA 563 - MTA 573);
160. MTA's Reply and Objections to Plaintiff's Supplemental Request for Production of Documents (MTA 735-813);
161. Honda's Supplemental Response to Plaintiff's Interrogatories; dated 5/29/09 (AHM 00001 - 00441);

EXHIBITS - VOLUME 9

- 162. Honda's Objections and Responses to Plaintiff's Request for Production of Documents, dated 2/3/09;
- 163. Honda's Objections and Responses to Plaintiff's Request for Production, dated 8/6/09 (AHM 00452-00470 and AHM 00589-00677);
- 164. Honda's Responses to Plaintiff's Interrogatories, served 7/30/09 (AHM 00576 - 00588)
- 165. Honda's Responses and Objections to Plaintiff's 2nd Set of Interrogatories, served 6/4/09;
- 166. Home Depot Performance Appraisals for Todd Beamsderfer;
- 167. Home Depot Performance Appraisals for Carl Rumbalski;
- 168. Home Depot Performance Appraisals for James Smith;
- 169. Letter dated 3/27/09 from Chartwell Law Offices regarding supplemental responses;
- 170. Ballot Vote (Final Rule for Labeling Requirements for Portable Generators), dated January 4, 2007;
- 171. Meeting Log- Directorate for Engineering Sciences, dated February 8, 2007;
- 172. Log of Meeting U.S. CPSC; Dated September 17, 2007;
- 173. American Honda Motor Co's Supplemental Response to Plaintiff's Interrogatories;
- 174. Meeting Minutes on CPSC CO Issue, dated June 29, 2006 (AHM 00159 - 00161);
- 175. CPSC ANPR (Alternative Proposals concerning Regulations for Dealing with the Danger of CO, and Alternative Proposals not concerning Regulations) AHM 00159(E) - 00168(E);
- 176. CPSC Labeling Issue Meeting; dated January 23, 2007 (AHM 00169(E) - 00171(E));

177. CPSC Labeling Issue Meeting; dated January 31, 2007 (AHM 00172(E) - 00175(E));
178. UL Comment Meeting Regarding CO (AHM 00176(E) - 00177(E));
179. AC Generators driven by Reciprocating Internal Combustion Engine; Part 8: Requirements for and testing of low-output generators (AHM 00179(E) - 00182 (E))
180. Industry Meeting Report of February 8, 2007 (AHM 00441)
181. The Home Depot - Wikipedia - corporate profits;
182. United States CPSC Memorandum dated May 26, 2006;
183. Subpoenaed Records & DVD from Frank/Best International re: advertising;
184. Nursing Articles from Reading Eagle;
185. Invoice from Funeral Home;
186. Subject Generator;
187. Subject Carpet Cleaner;